CLT:cay 9-2-69

Trotter to Mohr JAMES EARL RAY, IDENTIFICATION MATTER

On 3-10-69 Ray, charged with murder of King, plead guilty in Tenn State Court & sentenced 99 yrs Tenn State Prison, Nashville. He still has 13 yrs to serve in Mo. There are no court-imposed restrictions on discussing evidence in this case. Very excellent latent fingerprint identification techniques employed in this case resulted in Ray's identification by Bureau's Ident Div. RECOMM: That attached interesting ident be approved for classroom & speech use.

FD-247
(REV. 3-27-58)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1968-323-141

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Mohr

DATE: 9/5/69

FROM : J. J. Casper

SUBJECT: JAMES EARL RAY
IDENTIFICATION MATTER

In an addendum to a memorandum, same caption, of 9/2/69, Trotter to Mohr, suggesting preparation of an interesting identification write-up on captioned case, the statement is made that "the danger of prejudicing a case by publicity only applies prior to and during the actual trial of the case. Publicity cannot prejudice a case in the appeals stage since this stage is concerned only with matters of law rather than fact." The Director underlined this quoted statement and said: "Have we any legal support of this? H."

Strong support for the referenced statement is found in the records of convictions successfully attacked on the ground of prejudicial publicity. Our review of decisions in such cases, from the Supreme Court on down, reveals that the "prejudicial publicity" attack is confined to jury cases. We have not located a single case in which a conviction has been reversed for prejudicial publicity prior to or during a trial before a judge only, or prior to or during an appeal on the legal merits.

The record of the cases reviewed is consistent with constitutional theory. The Sixth Amendment gives the accused a right to trial by "an impartial jury." As the Supreme Court has said, this is a "requirement that the jury's verdict be based on evidence received in open court, not from outside sources." Sheppard v. Maxwell, 384 U. S. 333 (1966). Publicity that is prejudicial prevents the jury from being impartial.

The current campaign against prejudicial publicity seems directed entirely at the pretrial and trial phases, and to assume a jury trial. The controversy generated has been labeled "Fair Trial v. Free Press." Department of Justice restrictions on news release cover " a criminal offense until the proceeding has been terminated by trial or otherwise," forbids anything which might influence "the outcome of a defendant's trial" and adds that "because of the particular danger of prejudice resulting from statements in the period approaching and during trial,

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Rosen
DJD:ple
(5)

(CONTINUED - OVER)

SEE ADDENDUM OF GENERAL INVESTIGATIVE DIVISION PAGE 3...

2025 RELEASE UNDER E.O. 14176

they ought strenuously to be avoided during that period." 28 Code of Federal Regulations 50.2. The American Bar Association Report on "Fair Trial and Free Press" is directed toward the problem existing in jury trial situations. At one point it suggests that in cases in which publicity may have created a problem an alternative would be for the defendant to waive trial by jury "on the theory that a judge is less likely to be susceptible to outside influences." Page 129. Further, in a published discussion between himself and Clifton Daniel of the New York Times, Justice Reardon (Supreme Court of Massachusetts), principal architect of the American Bar Association Report on "Free Trial and Free Press," said "If you will read our report you will see that we are not holding up the release of information until the case has come through the appellate court... The report proposes the withholding of that information until the conclusion of the trial and the sentence of the defendant." Source: "Fair Trial and Free Press," Rational Debate Seminars, American Enterprise Institute for Public Policy Research, Washington, D. C.

The decisions and the law review commentaries also assume the publicity problem to exist in jury trial cases only. The single exception that we found is in a Second Circuit Court of Appeals case in which Judge Clark said, in dictum having nothing to do with the decision, that "Chief Judge Lumbard and Judge Friendly authorize me to state that they agree with the writer that the publication by former special prosecutors of accounts and comments regarding this case and the appellants, while this appeal was pending, was improper." U. S. v. Bufalino, 285 F2d 408 (1960) (the Apalachin hoodlum case).

Conviction does not, of course, end all possibility of a jury trial. If the present conviction of Ray should be reversed and remanded by the Supreme Court, Ray could demand a jury trial the second time around. Prior publicity would then most likely become an issue in the case. But this possibility is not confined to the Ray case. It exists in all cases in which we issue interesting case write-ups, for so long as the convict is serving his term.

The legal problem on whether to issue the proposed publicity at this time boils down to speculation on whether Ray will or will not win a new

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Memorandum to Mr. Mohr
Re: James Earl Ray
Identification Matter

trial. If he does not, there is no legal objection to issuing the publicity at this time. If he does, this publicity will most likely be attacked at the trial as prejudicial.

RECOMMENDATION:

None. For information.

Suggest we go ahead and use the proposed Ray write-up.
J.P.Mohr
9/8/69

I Agree — before this case gets muddied up by journalistic vultures and King's supporters.

TEB

I agree - before this case gets muddied up by journalistic vultures and King's supporters.

D.

I think we should wait to see whether Ray gains a new trial.
9/6

I concur.

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DJD:ple 9/5/69

Casper to Mohr JAMES EARL RAY, IDENT MATTER

Adden memo, same cap, 9/2/69, Trotter to Mohr, suppre
interes ident write-up capt case. Dir ask supp stat. Strng
supp ref stat fnd recs convic atck grnd prejud pub. Rec cas
revu consis w/consti theor. If pres convic Ray revers & re
mand Sup Crt, Ray cld demnd jury trial sec time arnd. Pri
or pub likel becm issu case. Legl prob wheth to issu prop
pub this time speculation wheth Ray wil or wil nt win new
trial. If not, no legl objec this time. If he does, pub wil
likely b atckd at trial as prejudicial. REC: None. For info

FD-247
(REV. 3-27-58)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1967—269-951

2025 RELEASE UNDER E.O. 14176

5/26/69 —

5/29

2025 RELEASE UNDER E.O. 14176

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach

DATE: August 29, 1969

FROM : A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. McDonough
1 - Mr. Bishop
1 - Mr. W. C. Sullivan

SUBJECT: MURKIN

SYNOPSIS:

This is the case involving the murder of Martin Luther King, Jr.

On instructions of the Bureau, the St. Louis Office obtained copies of a statement allegedly dictated by James Earl Ray, who is presently incarcerated in the Tennessee State Prison at Nashville, Tennessee, which was read by his brother Jerry Ray in a taped interview on station KMOX-TV, St. Louis, Missouri, on the evening of 8/14/69. Al Mann, News Chief, KMOX-TV, who made the statement available, confidentially advised that his station was expending a great deal of time and possibly expense in "developing" Jerry Ray for the purpose of uncovering the "true story" of the assassination of Martin Luther King, Jr., and James Earl Ray's part in it.

In his statement Ray claims he was working with Federal Agents including one "Raoul" in supplying arms for the overthrow of the Castro regime in Spring, 1968, and was in Memphis for same purpose when King was killed and he was used as a "fall guy" to cover the killing. He does not identify the "Federal Agents." It is, of course, not the FBI. He states that his case of travel through Canadian and Mexican borders was a result of Federal Agents' aid and he claims FBI knew of his movements in Mexico. This is not true as Ray traveled in Mexico in Fall, 1967, and we traced these travels after the killing of King in April, 1968. He intimates that former Attorney General Ramsey Clark possibly has knowledge of the plot and will be ruined along with Ray's former Attorneys, Percy Foreman and Arthur Hanes, as well as author William Bradford Huie, who wrote articles on Ray in "Look" magazine. Ray indicates he hopes to talk to CBS in person in near future unless blocked by State and Federal authorities. No information has been developed indicating any Federal Agencies were involved in the King murder and there does not appear to be any logical connection between anti-Castro activities and the killing of King.

Enclosure

EJM:jld
(8)

ACTION - OVER

2025 RELEASE UNDER E.O. 14176

Rosen to DeLoach Memorandum
RE: MURKIN

ACTION:

Although it is not known whether, in fact, James Earl Ray dictated the statement or if it was manufactured by his brother Jerry Ray, in view of its non-substantiated content, it is not felt that we should further pursue it at this time. A copy of the statement is being furnished to the Civil Rights Division for its information with advice that no inquiries are being conducted on the contents of this statement unless specifically requested. We will remain alert to any additional statements by Ray or any other individuals relating to this case and thoroughly run out any leads of pertinence.

Attached for approval is letter to Civil Rights Division forwarding a copy of Ray's statement.

A copy of Ray's statement is being furnished to the Memphis Office for its information.

DETAILS - OVER

2025 RELEASE UNDER E.O. 14176

DETAILS:

JAMES EARL RAY'S STATEMENT:

Ray claims that in the Spring of 1968, he was working with Agents of the Federal Government, including "Raoul" and was told that he, Ray, was assisting in supplying arms to Cuban refugees to overthrow Castro and the Communists in Cuba. He states that he was led to believe that he was in Memphis in April (1968) for the same purpose when, in fact, he was actually used as a "fall guy" to cover up the killing of King by Federal Agents. He points out that the facility with which he crossed the Canadian and Mexican borders would be impossible without the help of Federal Agents who with the Mexican Police afforded him protection in Mexico.

Ray states that William Bradford Huie admits that the FBI and Mexican Police knew all of Ray's movements in Mexico and he did not know of King being in Memphis until after the shooting. He states that he realizes that the Federal Agents had no interest in overthrowing Castro and only used him to cover up the killing of King. He continues that two Federal Agencies are guilty and he is innocent and that he hopes that some higher Government official will expose the plot so that he will be freed from prison. Ray states that he does not know what motives the Federal Agents had for killing King and suggests that former Attorney General Ramsey Clark be asked as he may know.

Ray, in closing, stated he wanted to pass along a message to Percy Foreman, Arthur Hanes (two of Ray's former Attorneys) and William Bradford Huie (author who wrote articles on Ray) that they got their wish but they along with Ramsey Clark would be ruined before this matter is closed. He indicates he hopes to talk to CBS in person in the near future if Tennessee State and Federal authorities don't block it.

ANALYSIS:

Raoul is the individual who, according to William Bradford Huie's articles in "Look" magazine which were based on Ray's statements to Huie, was endeavoring to make some type of deal concerning a "joint activity" for which Raoul would pay Ray $12,000. The specific nature of the "joint activity" was not fully described or identified but Ray was to transport packages between the United States and Canada. The possibility exists that the packages could contain contraband such as narcotics.

2025 RELEASE UNDER E.O. 14176

Extensive investigation has been conducted in an effort to identify Raoul to no avail. No information has been developed indicating Ray was connected with any United States Federal Agency or the Mexican Police or involved in any way with anti-Castro activities. The procedures for passage between the United States and Canada and Mexico, respectively are not difficult nor do they require any particular Governmental sanction. There is no statement in the William Bradford Huie articles on Ray wherein Huie alleges that the FBI and Mexican Police knew all of Ray's movements in Mexico. During the course of our extensive investigation we have substantially accounted for Ray's whereabouts from the time of his escape from prison in April, 1967, until his apprehension in London in June, 1968, and his subsequent incarceration in the Tennessee State Prison in Nashville, Tennessee.

No information has been developed that the Mexican Police Authorities were aware of his presence or activities in Mexico. Ray states that he realizes that the so called Federal Agents had no interest in overthrowing Castro and their whole purpose was to use him to cover up their own crime. There does not appear to be any logical connection between anti-Castro activities and the killing of Martin Luther King, Jr., and it is not felt that we should pursue the non-substantiated information in Ray's statement unless additional information is developed warranting such action.

2025 RELEASE UNDER E.O. 14176

9-2-69

1 - Mr. McDonough

AIRTEL

To: SAC, Memphis (44-1987)

From: Director, FBI (44-38861)

MURKIN

Enclosed is a copy of a statement purportedly dictated by James Earl Ray to his brother Jerry Ray while at the Tennessee State Prison at Nashville. This statement after editing was broadcast on KMOX-TV, St. Louis, Missouri on 8-14-69.

A copy of this statement has been furnished to the Civil Rights Division for its information and no action should be taken on its contents unless later specifically instructed to do so by the Bureau.

Enclosure

NOTE:

See Memo Rosen to DeLoach, 8-29-69, same caption, EJM:jld.

EJM:jmv
(4)

2025 RELEASE UNDER E.O. 14176

8-21-69

AIRTEL AIRMAIL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, ST. LOUIS (44-775) -C-

RE: MURKIN

Enclosed for the Bureau are five xerox copies of a two page statement allegedly dictated by JAMES EARL RAY to his brother JERRY RAY in the Tennessee State Prison at Nashville. Second page of this statement bears the signature of JAMES EARL RAY but this signature was actually written by JERRY RAY.

The above was confidentially made available to the St. Louis Office by AL MANN, News Chief, KMOX-TV, St. Louis, Mo. MANN advised that JERRY RAY read the statement in a taped interview and after editing it, KMOX-TV aired the interview twice during evening of 8-14-69.

MANN further confidentially advised that his station was expending a great deal of time and possibly expense in "developing" JERRY RAY for the purpose of uncovering the "true story" of the assassination of Dr. MARTIN LUTHER KING, JR., and JAMES EARL RAY'S part in it.

2-Bureau (Encl. 5)
1-Memphis (44-1987) (INFO)
2-St. Louis

JAF:kls
(5)

2025 RELEASE UNDER E.O. 14176

TRUE COPY

In the spring of 1968 I James Earl Ray was working with Agents of the federal goverment including Raoul. They told me that I was helping them to supply arms and, guns to cuban Refugees to overthrow Castro and, the communest in cuba. The reason why I'v made trips to Mexico was in regard to helping the Agents of the federal goverment to supply arms to cuban refugees there to overthrow Castro. The federal Agents led me to beleave that I was in Memphis in April for the same purpose. I knew that I was working with federal Agents the way they had me passed across the Mexican and, Canadan borders is only one thing that proves they were federal Agents. They got me across the Canadan and, Mexican borders under circumstances which would have been inpossable without the help of federal agents. At a later time if necessary, I will give more extensive proof about the federal Agents with whom I was involved. It is a known fact that Agents of the federal government and, the Mexican Police knew about my trips to Mexico and, protected me there.

Even Whilliam Braford Huie admits that the FBI and, Mexican Police knew all of my movements in Mexico. I knew nothing about King being in Memphis untill after King had been killed. I could not argue with the federal agents I worked for becous they would have put me back in the Missouri State Prision at Jefferson City if I failed to take orders from them. I know that the federal Agents merly used me to be the fall guy when they killed King. I now relize that they had no interest in overthrowing Castro and, their whole purpose was to use me to cover up their own crime. Two federal agencies are guilty and I am fully innocent. We hope that someone higher up in the goverment will come forword and, expose the whole deal so that I will be freed from Prision. If they don't we have more information which we will release in the near future. I don't know what motives the federal Agents had for killing King ask former Attorney General Ramsey Clark maybe he knows.

In closing I want to pass along a little message to Percy Forman, Auther Haynes and, William Bradford Huie you three, got your wish but, it's not over with yet before it is the three of yous will be ruined along with your friend Ramsey Clark. I hope to be able to talk to C.B.S. in person in the near future if the state of Tenn and, the federal goverment don't block it being they don't want being exposed they might not allow it. Sirhan got to talk but, I am innocent so I probley won't be allowed to.

James Earl Ray

TRUE COPY

2025 RELEASE UNDER E.O. 14176

Assistant Attorney General
Civil Rights Division

September 2, 1969

1 - Mr McDonough

Director, FBI

ASSASSINATION OF MARTIN LUTHER KING, JR.

Enclosed is a copy of a two-page statement allegedly dictated by James Earl Ray to his brother Jerry Ray while at the Tennessee State Prison, Nashville, Tennessee. The second page of the statement bears the signature of James Earl Ray but, according to the individual who furnished copies of the statement, this signature was actually written by Jerry Ray.

This statement was read by Jerry Ray in a taped interview and after editing it, KMOX-TV, St. Louis, Missouri, broadcast the statement twice during the evening of August 14, 1969.

This is furnished for your information and no inquiries will be conducted on the contents of this statement unless specifically requested by the Department.

Enclosure

EJM:jmv
(4)

NOTE:

See Rosen to DeLoach Memorandum 8-29-69, EJM:jld, captioned, "MURKIN."

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2025 RELEASE UNDER E.O. 14176

Assistant Attorney General
Civil Rights Division

August 4, 1969

Director, FBI

(1) - Mr. Hines

ASSASSINATION OF MARTIN LUTHER KING, JR.

This will confirm the discussion of Mr. J. William Hines of this Bureau with Mr. J. Harold Flannery of the Civil Rights Division on July 30, 1969, concerning three twenty dollar bills which were obtained from Mrs. Bessie Brewer, the operator of the rooming house where James Earl Ray rented a room at Memphis, Tennessee, on the day of the killing. Ray reportedly paid for his room with a twenty dollar bill; however, it cannot be said with any certainty that Ray was ever in possession of any one of the three bills obtained from Mrs. Brewer. An examination of the bills by the FBI Identification Division failed to disclose any latent fingerprints identifiable with Ray.

This case was prepared for trial by Executive Assistant District Attorney Robert Dwyer, now a Judge on the Tennessee Court of Appeals, who has advised that since he could not prove any link between Ray and these bills, these bills fail to have any evidentiary value. District Attorney General Phil M. Canale, Jr., concurs with Mr. Dwyer and indicates that he has no further use for these bills. Mr. Flannery's advice was requested as to whether or not these bills could now be disposed of.

Mr. Flannery advised on July 31, 1969, that it would no longer be necessary to retain the three bills and that they could be appropriately disposed of. Our Memphis Office is being instructed to make appropriate disposition of the three bills.

JWH:jmv
(4)

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D-25

2025 RELEASE UNDER E.O. 14176

Mr. DeLoach 7/25/69

T. E. Bishop

GEROLD FRANK, AUTHOR
DESIRE TO DO BOOK ON
ASSASSINATION OF MARTIN LUTHER KING
BUFILE 94-63917

Previous memoranda have been submitted showing contact made by captioned individual concerning his desire to do a book on the assassination of Martin Luther King with the cooperation of the Bureau. In each instance, Frank has been advised that until prosecution and appeal aspects in this matter are completed, it would be premature for the Bureau to consider cooperating with any author in connection with a book on this case.

CURRENT DEVELOPMENTS:

On July 24, 1969, Frank stopped by Bishop's office to advise that he was still very much interested in talking to the Bureau in some depth in connection with his contemplated book in this matter. He said that he would assure the Bureau that no confidential investigative techniques of the Bureau would be divulged nor would he expose or reveal any of the Bureau's sources if permitted to work with the Bureau.

Mr. Frank said that he sees this book as a broad approach to the subject matter and that it would be considered a book on "contemporary history." He said that the first deadline that he has set for himself would not be until September, 1971.

Mr. Frank was advised that, as he had been informed previously, the Bureau could not take any action at this time to cooperate with him or any author prior to completion of all appeal aspects of this case.

RECOMMENDATION:

None. For information.

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Jones
JFB:mew (5)

2025 RELEASE UNDER E.O. 14176

9-17

2025 RELEASE UNDER E.O. 14176

put with 7-2

7-15-69

1 - Mr. McDonough

AIRTEL

To: SAC, Memphis

From: Director, FBI

MURKIN

Reurlet 6-19-69, sending check to Bureau covering the three twenty dollar bills retained as evidence which bills were to be deposited in Memphis Confidential fund since according to your letter they are no longer of evidentiary value.

You should furnish specific basis for such determination and take no action regarding these bills unless specifically instructed to do so by the Bureau.

EJM:jmv
(4)

2025 RELEASE UNDER E.O. 14176

Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

JUN 17 1969

WDR:WPArnold:cf
51-72-47

William D. Ruckelshaus
Assistant Attorney General
Civil Division

State of Tennessee v. Ray, et al., Nos. 11645 and 16819 (Criminal Court, Shelby County, Tennessee)

Attached is a copy of a letter dated June 11, 1969, from the United States Attorney in Memphis, Tennessee, together with its enclosures relating to the dismissal of the petition for citation for contempt filed against your Fingerprint Examiner, George J. Bonebrake.

We are closing our file.

2025 RELEASE UNDER E.O. 14176

United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF TENNESSEE
1058 FEDERAL OFFICE BUILDING
MEMPHIS, TENNESSEE 38103

June 11, 1969

Mr. Harland F. Leathers, Chief
General Litigation Section
Civil Division
Department of Justice
Washington, D. C. 20530

Re: State of Tennessee v. Ray, et al,
Nos. 11645, 16819, Criminal Court,
Shelby County, Tennessee.
DJ 51-72-47

Dear Mr. Leathers:

Enclosed for your files is a copy of my letter of today to Mr. J. A. Blackwell, Criminal Court Clerk, in Memphis, together with copy of "Order Dismissing Petitions For Citation For Contempt" therein referred to.

Yours very truly,

Thomas F. Turley

THOMAS F. TURLEY, JR.
United States Attorney

TFTJr:es
Enclosures

2025 RELEASE UNDER E.O. 14176

United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF TENNESSEE
1058 FEDERAL OFFICE BUILDING
MEMPHIS, TENNESSEE 38103

June 11, 1969

Mr. J. A. Blackwell
Criminal Court Clerk
Shelby County Office Building
157 Poplar Avenue
Memphis, Tennessee

Re: State of Tennessee v. James Earl Ray, et al, Nos. 11643, 16819, Criminal Court, Shelby County, Tennessee

Dear Mr. Blackwell:

Thank you for the photocopy of the "Order Dismissing Petitions For Citation For Contempt" in this case.

I am confident that Mr. George Bonebrake is glad to have this behind him, as I am and am sure that you, Judge Faquin, the amici curiae, et al, are also.

I appreciate your cooperation and assistance.

Sincerely,

THOMAS F. TURLEY, JR.
United States Attorney

TFTJr:es

2025 RELEASE UNDER E.O. 14176

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION THREE

STATE OF TENNESSEE

vs.

JAMES EARL RAY, Alias ERIC STARVO GALT, Alias JOHN WILLARD, Alias HARVEY LOHMEYER

NOS. 16645 and 16819

ORDER DISMISSING PETITIONS FOR CITATION FOR CONTEMPT

In this cause it appearing to the court that Charles Edmundson, Roy Hamilton, Arthur J. Hanes, Sr., and Renfro T. Hays, were heretofore by this court, the Honorable W. Preston Battle then sitting as Judge, adjudged to be in contempt of court for violating the court's orders regarding pretrial publicity concerning this case; and it appearing that since the date of said adjudication the accused, James Earl Ray, has entered a plea of guilty and has been sentenced and is now serving such sentence in the State Penitentiary at Nashville; and it further appearing that the Honorable W. Preston Battle is now deceased, and the duties of the said Judge Battle, so far as this case is concerned, have devolved upon Judge Arthur C. Faquin, Jr., sitting by interchange; and it further appearing that the amici curiae heretofore appointed by Judge Battle for the purpose of assisting the court in presenting the petitions for citation for contempt in this case have been reappointed by the present court, Judge Arthur C. Faquin, Jr., sitting by interchange, and they have now filed in the cause a report reflecting their opinion that this court is without legal authority to pronounce sentence on said adjudication of contempt, it being their opinion that the said four respondents would have to be granted a new trial, and a new hearing held, and a new adjudication of contempt entered by the present court before sentence could be passed upon them; and it further

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appearing that the amici curiae are doubtful whether, under the changed circumstances, the tension-charged atmosphere of the first hearing could be recaptured if a new hearing should now be held, and in view of this fact and the further fact that the objectives sought to be accomplished by the petitions have now been rendered nugatory by the conviction of James Earl Ray on his plea of guilty, the amici curiae have recommended that all petitions for citation for contempt heretofore filed in this cause now be dismissed; and it further appearing that similar petitions for citation for contempt were filed against George Bonebrake and James T. Bevel but no process was served upon them, they being non-residents and not found within the court's jurisdiction, and two similar petitions for contempt were filed against William B. Huie and process served upon him but no hearing was had or adjudication made by Judge Battle prior to his death; and this court, having duly considered the recommendation of the amici curiae, and having independently researched the legal questions presented, is of opinion that all of said petitions should be dismissed.

Accordingly, it is ordered, adjudged and decreed that Charles Edmundson, Roy Hamilton, Arthur J. Hanes, Sr., and Renfro T. Hays be and they are hereby, of the court's own motion, granted a new trial; that the judgment of contempt heretofore entered against them by this court, Honorable W. Preston Battle then sitting, be and it is hereby set aside, vacated and for naught held; and that the petitions for citation for contempt filed against said four respondents, as well as the petitions for citation for contempt filed against George Bonebrake, James T. Bevel and William B. Huie, be and they are hereby dismissed without costs to any of the respondents.

Arthur C. Davis
JUDGE, Division II
Sitting by interchange
June 2, 1969

O.K. Connie Clay
for Edmundson, Hamilton & Huie

O.K. Roy Cuesta Committee
by [illegible]

2025 RELEASE UNDER E.O. 14176

7-14

2025 RELEASE UNDER E.O. 14176

Mr. DeLoach

July 14, 1969

A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. McDonough
1 - Mr. Bishop

MURKIN

This is the case involving the murder of Martin Luther King, Jr.

The Memphis Office was requested to furnish the current status of legal proceedings and the views of Tennessee state authorities as to the avenues of appeal that James Earl Ray may still pursue.

It is noted that on 3-10-69, James Earl Ray entered a plea of guilty to a charge of murder in state court, Memphis, Tennessee and received a sentence of 99 years. Attorneys for Ray then filed a motion for a new trial and on 5-26-69, the state court judge denied this motion.

Recent news accounts have stated that Chief Judge Mark A. Walker of the Tennessee Court of Criminal Appeals, Covington, Tennessee, granted a petition submitted to him on 6-25-69, by Ray's attorneys to have the court review the trial record of Ray's conviction and the Appeals Court will rule on 7-15-69, in Knoxville, whether it should consider an appeal by Ray for a new trial.

On 7-10-69, Executive Assistant District Attorney General Lloyd A. Rhodes, Memphis, Tennessee, advised that the matter presently pending before the Tennessee Court of Criminal Appeals is a Writ of Certiorari. If the ruling on this Writ is favorable to the subject, Ray, it means that the Court of Criminal Appeals will look into this case, following which they may or may not grant him a trial. If they do not rule favorably to Ray, it is expected that Ray will file a Writ of Habeas Corpus seeking consideration under the Post-Conviction Act. It would then be possible under this Act for Ray to receive a trial in the Shelby County Criminal Court.

EJM:jmv
(7)

CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

Memo Rosen to DeLoach
RE: MURKIN

If Ray is denied relief under the Post-Conviction Act, it is anticipated that he will then file a Writ of Habeas Corpus in the U. S. District Court, presumably for the Western District of Tennessee, in which he would possibly allege he had been denied due process. It is within the power of the U. S. District Court to order that Ray be granted a trial in Shelby County Criminal Court. If the U. S. District Court does not so order, Ray would then have the right of appeal to the U. S. Court of Appeals for the Fifth Circuit and thereafter to the U. S. Supreme Court. Mr. Rhodes stated he does not see an end to the possible appeals of James Earl Ray within the next several years.

ACTION:

For information. This will continue to be closely followed and you will be kept advised of pertinent developments.

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6-10

2025 RELEASE UNDER E.O. 14176

Mark in memo form

June 10, 1969

Mr. Bishop:

RE: JAMES EARL RAY
ASSASSINATION OF MARTIN LUTHER KING;
BUREAU COOPERATION IN A BOOK

BACKGROUND:

By informal memorandum dated March 11, 1969, Mr. DeLoach suggested that consideration be given to cooperating with a friendly author, or with "The Reader's Digest," in preparation of a book regarding the Ray-King case. Concerning this, the Director noted, "O.K."

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COURT ACTION:

On March 10, Ray--who was represented by attorney Percy Foreman--pleaded guilty to the shooting of King in Memphis, Tennessee, and received a 99-year sentence. Subsequently, Ray wrote to Judge W. Preston Battle (who died on March 31st) indicating that he wanted a new trial; and on April 7th he filed a motion formally requesting a new trial on grounds that he was deprived of effective legal counsel because his attorneys had conflicting interests in making publication contracts with author William Bradford Huie. (In April, Ray also filed suit against Foreman, Huie and his first attorney in the King murder case, Arthur Hanes.)

On May 26, 1969, Judge Arthur Faquin, who succeeded Preston Battle as presiding judge in the case, denied Ray a new trial. Judge Faquin held that Ray had "expressly" waived his rights to appeal and to a new trial when he pleaded guilty on March 10th. Faquin did acknowledge, however, that Ray was entitled to appelate review of his case. He said Ray could seek a new trial through either habeas corpus proceedings or under the post-conviction relief act. At the proceeding before Faquin, the clerk of the criminal court testified that Ray freely and voluntarily waived his rights at the trial on March 10th. hearing ?

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. C. L. McGowan
GWG:rog (8)

1 - Mr. Bishop
1 - Mr. Sullivan

CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

M. A Jones to Bishop Informal Memo
RE: JAMES EARL RAY

At this time, no appeals are known to be pending on behalf of Ray.

NEW DEVELOPMENT:

Jim Bishop has telephoned Mr. DeLoach to advise that he and Hobart Lewis (President and Executive Editor of "The Reader's Digest") conferred last week on the proposed Ray-King book. "The Reader's Digest" is so enthusiastic about the prospects of such a book being prepared with Bureau cooperation that Hobart Lewis is willing to give Jim Bishop a contract in an amount exceeding $100,000.

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M. A. Jones

2025 RELEASE UNDER E.O. 14176

MURKIN Memo Folder

June 10, 1969

Mr. Bishop:

RE: JAMES EARL RAY
ASSASSINATION OF MARTIN LUTHER KING;
BUREAU COOPERATION IN A BOOK

Lyndon

BACKGROUND:

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1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. C. L. McGowan
GWGirog (8)

1 - Mr. Bishop
1 - Mr. Sullivan

CONTINUED - OVER

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1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. C. L. McGowan
1 - Mr. Bishop
1 - Mr. Sullivan
GWG:rog (6)

CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

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M. A. Jones

2025 RELEASE UNDER E.O. 14176

2025 RELEASE UNDER E.O. 14176

Murkin memo Folder

MR. TROTTER 5-27-69

C. E. Ganley

MURKIN

This is the case involving the murder of Martin Luther King, Jr., by James Earl Ray.

Purpose of this memorandum is to report that the court order for the appearance of Latent Fingerprint Examiner George J. Bonebrake in Shelby County Criminal Court, Memphis, Tennessee, on possible contempt charges has been dismissed by Judge Arthur C. Faquin. Mr. Bonebrake was to have appeared on 5-23-69, but this was previously postponed with no new date set.

Mr. William Arnold, General Litigation Section, Civil Division, who has been handling preparation of defense for Bonebrake advised on 5-26-69 that he had received notice of the dismissal of the court order. (It also appeared in local press 5-24-69.) He said that this may have come to a head as a result of instructions to the U. S. Attorney at Memphis to contact the committee of attorneys who have been advising Judge Faquin and point out to them that investigation in Wichita, Kansas, has substantiated Bonebrake's contention that the facts in this case were not unnecessarily aired and at no time had he discussed it with the press.

Memphis Office has been following this matter and by airtel 5-24-69 enclosed two copies of "Report of Amici Curiae" incorporating recommendation for dismissal of action against Bonebrake and others which was basis for Judge Faquin's actions.

RECOMMENDATION:

For information.

1 - Mr. DeLoach
1 - Mr. Rosen

CEG:emg
(10)

2025 RELEASE UNDER E.O. 14176

2025 RELEASE UNDER E.O. 14176

MURKIN
Memo
Folder

Mr. DeLoach

May 26, 1969

A. Rosen

MURKIN

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. McGowan
1 - Mr. Long
1 - Mr. Bishop
1 - Mr. Sullivan

This is the case involving the murder of Martin Luther King, Jr.

Assistant Special Agent in Charge Clifton O. Halter of our Memphis Office has advised that Judge Arthur Faquin, Criminal Court, Memphis, Tennessee, today has granted the motion of the State to dismiss motion for a new trial for James Earl Ray filed by Ray's attorney.

ACTION:

You will be kept advised of pertinent developments.

REL:jld
(8)

2025 RELEASE UNDER E.O. 14176

16H

- [x] XEROX: 6/24/77 dmf
- [x] REVIEWED 7/11/77 dmf.
- [x] EXCISED & XEROXED 7/11/77 dmf.
- [ ] OTHER _____
- [ ] COMPLETED

2025 RELEASE UNDER E.O. 14176

MURKIN (44-38861)
VOLUME XI

2025 RELEASE UNDER E.O. 14176

Reproduction of Material Form
Congressional Inquiry Unit
6-

Date 6/24/77

The following material has been reproduced for excising and review at FBIHQ by representatives of the House Select Committee on Assassinations:

File No. Murkin Memos

Section 11

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RETAIN THIS FORM AS TOP SERIAL

2025 RELEASE UNDER E.O. 14176

1 - Mr. Callahan
1 - Mr. Jenkins
1 - Mr. Adams
12/5/75
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Lawn
1 - Mr. McDermott

Mr. Gallagher

J. S. Peelman

MURKIN

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

The purpose of this memorandum is to request approval for maintenance of the MURKIN file on a temporary basis in Room 5131 JEH, Civil Rights Section.

By memorandum dated 12-4-75, the Attorney General advised this Bureau that a review of all material pertaining to Martin Luther King, Jr. has been initiated by the Department. In this regard, the Department has requested the cooperation of this Bureau in handling requests for information contained in the Bureau files pertaining to Dr. King.

It is anticipated that numerous requests will be received from the Department which will necessitate immediate access to these files to facilitate file reviews and thereafter to respond expeditiously to the requests from the Department.

The Department set out in their 12-4-75 memorandum that this matter ". . . is of the highest Departmental priority".

ACTION: That approval be granted to maintain the MURKIN file in Room 5131 JEH, Civil Rights Section, General Investigative Division, on a temporary basis to facilitate the expeditious handling of the requests forthcoming from the Department.

44-38861

JCL/pwl) 9 (

2025 RELEASE UNDER E.O. 14176

Mr. Gallagher

J. S. Peelman

MURKIN

12/5/75

1 - Mr. Adams
1 - Mr. Callahan
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Lawn

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968. This memorandum being prepared at the request of Deputy Associate Director James B. Adams setting out the jurisdiction of this Bureau in conducting investigation into the assassination of Martin Luther King, Jr.

At approximately 6:03 p.m., on 4/4/68, while standing on the second-floor balcony of the Lorraine Motel in Memphis, Martin Luther King, Jr., was shot and killed when struck by a single bullet. Minutes after the shooting, a white male was observed as he dropped a bundle on the sidewalk near the scene of the crime and fled. Included in the abandoned articles was a rifle with a telescopic sight which was determined to have been purchased in Birmingham, Alabama, in March, 1968.

By memorandum dated 4/4/68, Assistant Attorney General Stephen J. Pollak, Civil Rights Division, requested that this Bureau conduct a full investigation into possible violation of T18, Section 241, in connection with the shooting of Dr. King in Memphis, on that date. (FBI jurisdiction was based on the possibility of a conspiracy to violate the civil rights of Martin Luther King, Jr., namely the right to travel interstate. King had travelled to Memphis on 4/3/68 from Atlanta to take part in a demonstration scheduled for 4/8/68.)

Investigation by FBI, Birmingham, revealed that on Friday, 3/29/68, a lone individual purchased a .243 caliber model 700 Remington rifle. The following day this individual returned this weapon, stated that his brother indicated that this weapon was not sufficient and instead purchased a

JCL:bap (7)

CONTINUED - OVER

44-38861

2025 RELEASE UNDER E.O. 14176

Remington Model 760, .30-06 caliber rifle. This was the rifle recovered in Memphis immediately after the shooting of Dr. King.

Extensive investigation by this Bureau at that time determined the identity of the individual who purchased this weapon was Eric Starvo Galt.

On 4/16/68, the Attorney General authorized the filing of a complaint charging Galt with violation of T18, Section 241, for conspiring to interfere with the constitutional rights of Martin Luther King, Jr.

On 4/17/68, Federal process was obtained and Galt was charged with conspiracy in that he and an individual whom he alleged to be his brother, entered into a conspiracy in Birmingham on 3/29/68, by reason of their purchase of the rifle later used in the shooting of Martin Luther King, Jr.

On 4/19/68, the Attorney General announced that James Earl Ray had been identified through FBI identification records as the Eric Starvo Galt against whom a Federal complaint had been filed.

Ray was arrested on 6/8/68 in London and was extradited.

On March 10, 1969, in State Court, Memphis, Tennessee, James Earl Ray entered a plea of guilty to charges of murder and received a 99-year sentence.

Federal process against Galt was dismissed on 12/2/71 by U. S. Commissioner Macy Taylor, Northern District of Alabama, based upon a motion filed by Ray's Attorney, Bernard Fensterwald, Jr.

Ray appealed his conviction on grounds that he was not properly represented or counseled by his attorney at the time he entered his guilty plea in 1969. However, a Writ of Habeas Corpus was denied Ray in U. S. District Court, Western District of Tennessee, on 2/27/75.

An appeal of this judgment handed down in the Western District of Tennessee was filed on behalf of James Earl Ray in the U. S. Court of Appeals, 6th Circuit, Cincinnati, Ohio, on 7/7/75. This appeal remains pending.

 CONTINUED - OVER

2025 RELEASE UNDER E.O. 14176

Memorandum to Mr. Gallagher
RE: MURKIN

Extensive investigation by this Bureau indicated that Ray acted alone and no evidence of a conspiracy has ever been developed.

ACTION: None. For information.

2025 RELEASE UNDER E.O. 14176

December 5, 1975

The Attorney General

Director, FBI

MARTIN LUTHER KING, JR.

1 - Mr. Adams
1 - Mr. Callahan
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. McDonoug
1 - Mr. Lawn
1 - Mr. Mintz
1 - Mr. Wannall

Reference is made to Departmental memorandum dated December 4, 1975, which set out for the information of this Bureau that the Department has initiated a review of all material pertaining to Martin Luther King, Jr.

You can be assured of the complete cooperation of this Bureau pertaining to this review. I have instructed that Supervisors Edward J. McDonough and John C. Lawn be available to respond to any requests emanating from the Department and to assist in every way possible in this regard.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Civil Rights Division

1 - Assistant Attorney General
Criminal Division

JCL:bap (15)

44-38861

SEE NOTE PAGE TWO...

2025 RELEASE UNDER E.O. 14176

The Attorney General

NOTE: Attached is a copy of a letter from the Office of the Attorney General dated 12/4/75, which sets out that the Department is conducting a review of all material relative to Martin Luther King, Jr. The Attorney General's letter requested Bureau cooperation in making available Headquarters and field office files for review and personnel for interview.

As requested by the Department, the General Investigative Division has designated Supervisors Edward J. McDonough and John C. Lawn to handle any inquiries and requests as they relate to the MURKIN investigation.

A log will be maintained by the GID listing all requests received from the Department pertaining to the MURKIN investigation, which will set out the dates requests are received, the nature of the requests and the dates requests handled.

2025 RELEASE UNDER E.O. 14176

Office of the Attorney General
Washington, D. C. 20530

December 4, 1975

Assoc. Dir.	✓
Dep.-A.D.-Adm.	✓
Dep.-A.D.-Inv.	✓
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
Gen. Inv.	✓
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	✓
Telephone Rm.	
Director's Sec'y	

MEMORANDUM TO: DIRECTOR, FBI

FROM: THE ATTORNEY GENERAL

RE: MARTIN LUTHER KING, JR.

EXP. PROC.
DEC 4 1975

On November 24, 1975, I directed Assistant Attorneys General J. Stanley Pottinger and Richard L. Thornburgh to review the files relating to Martin Luther King at once in the light of recent testimony, and make a recommendation as to whether the assassination case should be reopened.

Mr. Pottinger's office is undertaking the initial review of all material in the Department of Justice in order to comply with my directive.

I have asked that this review be conducted thoroughly but with dispatch. Both Messrs. Pottinger and Thornburgh understand, I believe, that this investigation is of the highest Departmental priority. I am sure that you will cooperate with them to facilitate their access to Bureau files both here and in the field, as they may request them, and to make available personnel of the Bureau for interviews and such other assistance as may be necessary.

I am also requesting that you assign one person responsible for assisting in this investigation.

(1) - J. Stanley Pottinger

(1) - Richard L. Thornburgh

1 Xerox mailed held for Director
12-4-75
edm

2025 RELEASE UNDER E.O. 14176

1 - Laboratory Division
Attention: Mr. Kilty
1 - Mr. Moore
Attention: Mr. Gunn

December 2, 1975

(1) Mr. [illegible]
Attention: Mr. Lawn

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

Please refer to the Deputy Attorney General's letter directed to you dated December 1, 1975, regarding your Freedom of Information Act (FOIA) Appeal for access to certain materials pertaining to the assassination of Dr. Martin Luther King, Jr.

Enclosed herein are copies of the records you have requested which I have been directed to release as the result of the Deputy Attorney General's consideration of your appeal.

In accordance with the Deputy Attorney General's letter, $80 of special search fees are being waived and reproduction costs for the enclosed material amount to $22.10. Please make your check or money order payable to the Federal Bureau of Investigation.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (31)

1 - The Deputy Attorney General
Attention: Susan M. Hauser

TLW:car (8)

SEE NOTE PAGE 2

2025 RELEASE UNDER E.O. 14176